



RCRA 9006(a)(2) Notice -- LUST AOC Issued by EPA in Indian Country in WA State

Peter Contreras to: MBLU461, jpen461

03/30/2010 08:59 AM

Cc: Carlo Bertani, Deborah Hilsman, Jim Greeves, sirs.erik

Mike,

EPA is providing this notice to the state of Washington that EPA is taking an enforcement action within the boundaries of the Yakama Reservation. This LUST corrective action is against R.H. Distributing Co., Inc. (aka Smitty's). R. H. Distributing Co., Inc. has signed and returned the AOC and EPA is in the process of routing the document for EPA signature. Attached below is the pdf version of the AOC. Carlo Bertani is the EPA program contact for this action. Carlo will send you a copy of the signed final AOC once it is completed.

Under Section 9003(h)(4) of RCRA, corrective action orders must be issued in the same manner and subject to the same requirements as Section 9006 orders. Section 9006(a)(2) requires that EPA provide notice to a SPA state prior to issuing an order or commencing a civil action under Section 9006 in that state. We typically have not read this to require notice for enforcement actions occurring in Indian Country outside of the State's jurisdiction, but we are providing this notice as a courtesy to the state. Please forward this to those in Ecology's central region if you feel that it would be beneficial for them to know. So although Ecology has no jurisdiction to enforce UST requirements on the Yakama Reservation, we provide this notice in this case pursuant to Section 9006(a)(2).

If you have any questions, please contact Carlo, or myself.

Peter



Smitty's AOC Final.pdf

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Peter Contreras, Manager

Ground Water Unit, OCE

U.S. EPA Region 10 -- Seattle

206.553.6708

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